

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31929 of 2007(A)

OS.266/2003 OF PRINCIPAL SUB COURT,IRINJALAKUDA.

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PETITIONER:

**PRAKASAN, S/O.THATHAMKULAM KRISHNAN,
EDATHIRINJI, THRISSUR DT.**

BY ADV. SRI.V.M.KRISHNAKUMAR.

RESPONDENT:

**DHARMAPOSHANA COMPANY, IRINJALAKUDA- 68003,
IRINJALAKUDA.P.O.**

BY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 26/10/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N.KRISHNAN, J

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W.P.(C) No.31929 OF 2007

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Dated this the 26th day of October 2007

JUDGMENT

This writ petition is preferred against the order of the Prl.Sub Court, Irinjalakkuda whereby he has ordered arrest of respondents 1, 2, 3 and 5. The order would reveal that these respondents had withdrawn the contentions of no means and paid Rs.2,000/-. Instalment prayer was disallowed by the court, as the decree amount came to more Rs.1.34 lakhs. One cannot find fault with the learned Sub Judge for refusing to grant payment in instalments at the rate of Rs.2,000/-. The conduct of the respondents would reveal that they are genuinely interested in making the payment and therefore I exercise my discretion to give them some time for making the payment.

Therefore, the writ petition is disposed of as follows: The petitioner is directed to make payment of the balance decree amount in six equal monthly instalments commencing from 26.11.2007. If he commits default of 2 or more instalments consecutively, he will loose the benefit of instalment facility and the decree holder can request the court to arrest him and detain

him in civil prison. If the decree holder permits after making regular payment that more time can be given, it is for the executing court to decide after hearing both sides. Till such time, arrest warrant against respondents 1, 2, 3 & 5 shall not be executed.

Writ petition is disposed of as above.

M.N.KRISHNAN, JUDGE

Cdp/-